

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CARL and ALICIA FURMAN,

Plaintiffs,

v.

Docket No. 05-CV-11271-RWZ

JOHN RUGER and
RUGER ASSOCIATES, INC.,

Defendants.

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Carl and Alicia Furman (“Plaintiffs” or “Furmans”) and defendants John Ruger and Ruger Associates, Inc. (“Defendants”) submit this joint statement pursuant to Local Rule 16.1.

I. Statement Pursuant to Rule 16.1(B)

Counsel for plaintiff and defendant state that they have conferred, pursuant to Rule 16.1(B), for the purpose of (1) preparing an agenda of matters to be discussed at the scheduling conference; (2) preparing a proposed pretrial schedule for the case that includes a plan for discovery; and (3) considering whether they will consent to trial by magistrate judge.

II. Statement Pursuant to Rule 16.1(C)

This case was initiated by the sending of a MGL Chapter 93A demand for relief. The MGL 93A demand letter was mailed to Defendants by Certified Mail Return Receipt on September 16, 2004, and received by Defendants on September 21, 2004. Defendants responded on September 21, 2004 rejecting any legal basis for Plaintiffs’ claims. In the same letter, Defendants expressed a willingness to mediate this case.

The parties have engaged in preliminary settlement discussions which did not resolve the case. If the case remains in the United States District Court for the District of Massachusetts

after the resolution of Defendants' motion to transfer, the parties request that the case be referred to Judge Mazzone for mediation. If the case is transferred to Maine, the parties have agreed to mediate the case before Peter J. DeTroy, Esq., an experienced mediator in Portland, Maine.

III. Joint Statement Pursuant to Rule 16.1(D)

A. Discovery Parameters

The Defendants believe that the discovery permitted by Local Rule 26.1(C) is sufficient. Plaintiffs request an allowance of more than 25 requests for admission.

B. Proposed Discovery/Pretrial Schedule

As a first item of business, Defendants filed a motion to transfer the case to the United States District Court for the District of Maine on July 11, 2005. Briefing on this motion is ongoing. Whether the case is heard before the District Court for Maine or Massachusetts, counsel for Defendants plans to file a motion for summary judgment as to the claims raised against John Ruger, personally.

The parties have conferred through counsel and have agreed to the following schedule:

August 26, 2005	Deadline for Rule 26(a)(1) disclosures. In the spirit of Rule 26(a)(1), the parties will attempt to come to an agreement by August 26, 2005 on the categories of discovery that they are willing to produce without formal requests.
September 26, 2005	Deadline for motions to add parties.
October 26, 2005	All expert reports pursuant to Rule 26(a)(2) on which parties have burden of proof shall be exchanged.
December 15, 2005	All rebuttal reports, if any, shall be exchanged.
March 1, 2006	All fact discovery to be concluded.
April 1, 2006	Deadline for filing all dispositive motions.

C. Phased Discovery

The parties do not believe that this case lends itself to phased discovery.

D. Certifications Pursuant to Local Rule 16.1(D)(3)

Each party hereby certifies that it has conferred with its counsel (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

E. Trial By Magistrate Judge

Plaintiffs consent to trial by magistrate judge. Defendants do not consent to trial by magistrate judge.

CARL AND ALICIA FURMAN,

JOHN RUGER and RUGER
ASSOCIATES, INC.,

By their attorneys,

By their attorneys,

/s/ Andrew C. Novick
Andrew C. Novick (BBO#543825)

/s/ Nikolas P. Kerest
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Dated: July 20, 2005

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CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2005 I filed electronically parties' joint statement pursuant to Rule 16.1 with the Clerk of Court using the CM/ECF system and sent a paper copy via overnight mail to Andrew C. Novick, attorney for Plaintiffs.

/s/ Nikolas P. Kerest

Nikolas P. Kerest
Attorney for John Ruger and
Ruger Associates, Inc.

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